



Agenda Date: 7/29/09

Agenda Item: IIA

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.nj.gov/bpu/

ENERGY

MASTRANGELO BRANCHBURG, LLC,
Petitioner

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,))
Respondent)

) ORDER ADOPTING INITIAL DECISION
) SETTLEMENT
)
)
)

BPU DOCKET NO. GC07100786
OAL DOCKET NO. PUC12146-07

(SERVICE LIST ATTACHED)

BY THE BOARD:

On October 12, 2007, Mastrangelo Branchburg, LLC ("Petitioner") filed a petition with the Board alleging that Public Service Electric and Gas Company ("Respondent") had failed to supply gas at adequate levels and pressure.

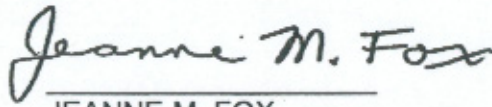
After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law Judge ("ALJ") Walter M. Braswell.

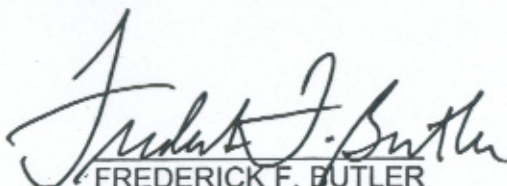
While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Stipulation of Settlement ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on June 9, 2009, and submitted to the Board on June 15, 2009, to which the Stipulation was attached and made part thereof, ALJ Braswell found that the Stipulation was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of N.J.A.C. 1:1-19.1. Through the Stipulation, Respondent, without agreeing to the merits to the allegations contained in the petition or admitting liability therefore, has agreed to issue a check to Petitioner in the amount of \$2,500.00 within 45 days of the Board's final Order in this matter. In return, Petitioner has agreed not to contest this matter any further and to withdraw its request for a hearing with prejudice.

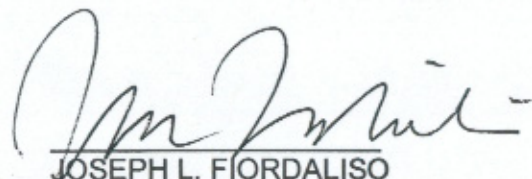
After review of the Initial Decision and the Stipulation of the parties, the Board HEREBY FINDS that, by the terms of the Stipulation, the parties have resolved all outstanding contested issues in this matter. Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety as if fully set forth herein.

DATED: 7/29/09

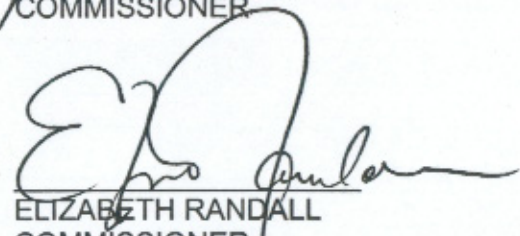
BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT

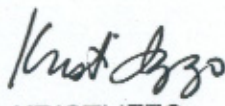

FREDERICK F. BUTLER
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

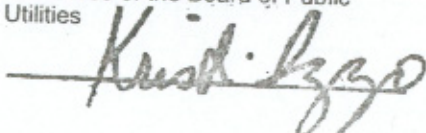

NICHOLAS ASSELTA
COMMISSIONER


ELIZABETH RANDALL
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



**MATRANGELO BRANCHBURG, LLC
v.
PUBLIC SERVICE ELECTRIC AND GAS COMPANY**

**BPU DOCKET NO. GC07100786
OAL DOCKET NO. PUC 12146-07**

SERVICE LIST

Cecilia M.E. Lindenfelser, Esq.
280 Corporate Center
5 Becker Farm Road
Roseland, New Jersey 07068

Alexander C. Stern, Esq.
PSEG Services Corporation
80 Park Plaza – T5G
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Carl Dzierzawiec
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Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102

Alex Moreau, DAG
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102

9c

~~CMS~~
BESLOW
RPA
MOREAU, A
COMBS, M
DZIERZAWIEC, C
LITAN, G



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 12146-07

AGENCY DKT. NO. GC07100786

BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

2009 JUN 15 AM 10:28

RECEIVED
CASE MANAGEMENT

MASTRANGELO BRANCHBURG, LLC

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC AND GAS
COMPANY,**

Respondent.

Cecilia M.E. Lindenfelser, Esq., appearing on behalf of petitioner

Alexander C. Stern, Esq. appearing on behalf of respondent (PSE&G
Services Corporation)

Record Closed: June 9, 2009

Decided: June 9, 2009

BEFORE WALTER M. BRASWELL, ALJ:

On November 23, 2007, this matter was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to-15 and N.J.S.A. 52:14F 1 to- 13. A telephone pre-hearing was conducted on December 19, 2007. A hearing was scheduled for June 12, 2008 which was adjourned due to petitioner's witness not being available. A status conference was conducted on August 14, 2008 wherein the parties agreed to have a device installed in petitioner's premises to measure the gas pressure. The parties also agreed to place this matter on the inactive list through the winter season. A follow up status conference was conducted on May 8, 2009 wherein

- the parties advised the undersigned that this matter was settled. The Stipulation of Settlement was signed by all parties and submitted to the OAL on June 9, 2009.

I have reviewed the record and terms of the Stipulation of Settlement and **FIND:**

1. The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties or their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with law.

I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and therefore, it is **ORDERED** that the parties comply with the settlement terms and that these proceedings be and are hereby concluded.

I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

June 9, 2009
DATE

Date Received at Agency:

6/15/09

Date Mailed to Parties:
ljb

Walter M. Braswell
WALTER M. BRASWELL, ALJ
Floyd R. Ringer

SETTLEMENT

) BPU DOCKET NO. GC07100786
) OAL DOCKET NO. PUC12146-2007N

[illegible]

STIPULATION OF SETTLEMENT

SECRET

9 A

SETTLEMENT
JUN-9 A 11:30
Office of Administrative
Dispute Resolution

to N.J.A.C. 14:6-
ent") filed an
y Board of Public

Board of Public
Administrative
per 2007.

- ing on June 12,

1. Petitioner agrees not to contest this matter further, and withdraws its hearing request with prejudice.
2. Although in no way agreeing with the merits of the allegations expressed in the Petition, in the interest of good customer relations, within forty-five (45) days of a final Board Order approving this Settlement, PSE&G will issue a check to Petitioner in the amount of \$2,500.
3. Neither entry into this Stipulation of Settlement nor the payment of the settlement amount by PSE&G shall constitute an admission of liability by PSE&G for any of the allegations set forth in the Petition.

4. This agreement is in full settlement of the Petition filed by Petitioner on or about October 26, 2007 and fully disposes of any and all claims stemming therefrom including, but not limited to, property damages claims and subrogation actions.

5. The undersigned agree that this Settlement contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. In the event any particular aspect of this Settlement is not accepted and approved by the Board or modified by the Board, the party that is adversely affected by the modification can either accept the modification or declare this Settlement to be null and void, and the parties shall be placed in the same position that they were in immediately prior to its execution.

LAW OFFICES OF CHARLES A. ROSEN
Attorneys for Petitioner

DATED: 6/3/09

By: Cecilia M.E. Lindenfelser
Cecilia M.E. Lindenfelser, Esq.

MASTRANGELO BRANCHBURG, LLC

DATED: 6/3/09

By: [Signature]
Title:

PSEG SERVICES CORPORATION
Attorneys for PSE&G

DATED: 6/4/09

By: Alexander C. Stern
Alexander C. Stern, Esq.
Assistant General Regulatory Counsel

COPY



COPY

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
Newark, New Jersey 07102
(973) 648-6008
(973-648-6058)

Robert J. Giordano, ALJ &
Manager of Organizational Development

RECEIVED
CASE MANAGEMENT
2009 JUN 15 AM 10:25
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

NORTH

Date JUN 10 2009

RECEIVED
CASE MANAGEMENT
2009 JUN 15 AM 9:11
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

Re: Initial Decisions for Receipt

We are hereby forwarding to you the following decisions from the office of Administrative Law. **Receipt is acknowledged as of the next business day of the date indicated below.** Should a listed decision not be included in this batch, please call 973-648-6008.

OAL Docket No. PUC

Case Name

12146-07

MASTRANGELO
BRANCH BURG, LLC

Board of Public Utilities
140 Gateway Center
Newark, New Jersey 07102

Date: _____

Board of Public Utilities